

MITIGATED NEGATIVE DECLARATION

January 10, 2008

Project Name: Vista Towers: Sunshine Summit

Project Number(s): P06-093, Log No. 06-04-002

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Stormwater Management Plan and Noise Impact Analysis
 - c. Visual Simulations
1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. LANDSCAPING

1. The planting of landscaping pursuant to the approved landscaping plan on file with the Department of Planning and Land Use as Environmental Review number 06-04-002. All non-irrigated landscaping shall be maintained for the life of the permit. This includes replacing dead plant material that may not survive without supplemental watering. The landscaping that consist of the following: 6 Mexican Elderberry trees, 5 California Bay Laurel trees, 13 Island Bush Poppy shrubs, 12 Toyon shrubs, 7 Holly Leak Cherry shrubs, and 14 Sugar Bush shrubs.

3. Critical Project Design Elements and Requirements That Must Become Conditions of Approval:

The following project design elements and requirements were either proposed in the project application or the result of compliance with specific laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- A. All non-irrigated landscaping shall be maintained for the life of the permit. This includes replacing dead plant material that may not survive without supplemental watering.
- B. Provide photographic proof to the Director of the Department for Planning and Land Use for inclusion in the project file that the planting as shown on the conceptual landscape plan submitted April 4, 2007 has been installed.
- C. Prior to commencement of any construction and prior to obtaining a building permit pursuant to this Major Use Permit, the applicant shall:
 - (1) Obtain a grading permit, required prior to commencing of the grading, where quantities exceed 200 cubic yards of material and/or cuts or fills are eight feet (8') or more in height per criteria of Section 87.202 of the County Code.

- (2) Provide evidence that vehicular access to the project site is approved to the satisfaction of the local Fire Protection District having jurisdiction.
- (3) Provide recorded documentation showing adjacent property connected to a publicly maintained road by an easement for road purposes located on the project property, and that this easement shall be for the benefit and use of adjacent property. Recordation data for said easement shall be shown on the Plot Plan. This applies to any access for adjacent property.

[Furnish the Director of Planning and Land Use a letter from DPW stating Condition A.1 through A.3 have been completed to that department's satisfaction.]

D. Prior to use of the premises pursuant to the Major Use Permit, the applicant shall:

- (1) Obtain approval from CALTRANS concerning access onto SR 79. (An Encroachment Permit may be required from CALTRANS for any work within the State Right-of-Way.)
- (2) Have a registered civil engineer, a registered traffic engineer, or a licensed land surveyor provide a certified signed statement that physically, there is a minimum unobstructed sight distance in both directions along SR 79 from the private easement road serving the property, for the prevailing operating speed of traffic on SR 79, per CALTRANS standards.
- (3) Authorize DPW Lighting District to process the project into the San Diego County Street Lighting District. After approval of the project, the property shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District. The applicant shall pay the cost to process the project by making a minimum deposit at the Land Development Counter Services.

[Furnish the Director of Planning and Land Use, along with their request for final inspection, a letter from the Department of Public Works, stating Conditions B.1–B.3 have been completed to that department's satisfaction.]

E. For the duration of this Minor Use Permit, the applicant shall:

- (1) Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego

Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9589) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

ALYSSA MAXSON, Planning Manager
Regulatory Planning Division

AM:MT:jcr

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